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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,848	11/22/2000	Brad A. Armstrong		3944

7590 05/20/2002
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Paradise, CA 95967

EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 05/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,848

Applicant(s)

Armstrong

Examiner

Dennis-Doon Chow

Art Unit

2675



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Feb 22, 2002

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-34 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-34 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) ☐ Other: _____

Art Unit:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler (4,246,452), in view of applicant's admitted prior art and Culver (6256011).

Chandler discloses an image controller comprising: an input member (22) with associated sensors; a plurality of finger depressible buttons (28), wherein each button having an associated sensor and a resilient structure (col., 3, lines 47-50); and a flexible sheet connecting the sensors of the input member and the sensors of the buttons (Fig. 4).

Chandler does not explicitly disclose how the sensors of the finger depressible buttons are made.

Figure 38 and page 46, line 28 to page 47, line 12 describes the finger depressible buttons which applicant has admitted as being prior art and is now claiming.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the finger depressible buttons of Figure 38 in Chandler because the depressible buttons of applicant's admitted prior art provide more features than Chandler's depressible buttons.

Chandler does not disclose the use of feedback means.

Art Unit:

Culver discloses an image controller comprising feedback means for providing vibration to be felt by a hand of an user.

It would have been obvious to one of ordinary skill in the art to Culver's feedback means in Chandler's controller because the feedback means provides real feeling of controlling an object on a display screen.

3. Claims 3, 5, 6, 8, 9-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler in view of Culver.

Chandler discloses an image controller comprising: an input member (22) with associated sensors; a plurality of finger depressible buttons (28), wherein each button having an associated sensor and a resilient structure (col., 3, lines 47-50); and a flexible sheet connecting the sensors of the input member and the sensors of the buttons (Fig. 4).

Chandler does not disclose the use of feedback means.

Culver discloses an image controller comprising feedback means for providing vibration to be felt by a hand of an user.

It would have been obvious to one of ordinary skill in the art to Culver's feedback means in Chandler's controller because the feedback means provides real feeling of controlling an object on a display screen.

Art Unit:

4. Claims 4, 7, 14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler in view of Culver as applied to claims 3, 5, 6, 8, 9-13, and 15-18 above, and further in view of applicant's admitted prior art.

Chandler does not explicitly disclose how the sensors of the finger depressible buttons are made, and the use feedback means.

Figure 38 and page 46, line 28 to page 47, line 12 describes the finger depressible buttons which applicant has admitted as being prior art and is now claiming.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the finger depressible buttons of Figure 38 in Chandler because the depressible buttons of applicant's admitted prior art provide more features than Chandler's depressible buttons.

5. Claims 21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobachi et al. (6326948) in view of Goto et al. (6231444).

Kobachi discloses an input system for controlling a three dimensional image on display device, comprising a plurality of pressure sensitive sensors for generating signals to control the three dimensional image; and a plurality of bi-directional sensors (example: -X, +X; and -Y, +Y directions) and unidirectional sensors.

Kobachi does not disclose the use of feedback means.

Art Unit:

Goto, in the same input field, discloses feedback means for providing vibration to be felt by a hand of an user.

It would have been obvious to one of ordinary skill in the art to Goto's feedback means in Kobachi's controller because the feedback means provides real feeling of controlling an object on a display screen.

6. Applicant's arguments filed February 22, 2002 have been fully considered but they are not persuasive. .

Applicant argues that there is not teaching or suggestion in the cited references to combine the features as suggested in the rejections. Applicant then concludes that the rejections are improper. The examiner's response to these arguments is that it is not necessary that the references actually suggest, expressly or in so many words, the changes or improvements or improvements that applicant has made. The test for combining references is what that references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971).

Fee was paid.
7. The information disclosure statement filed February 22, 2002 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e), or the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

Art Unit:

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is (703) 3-54398.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology center 2600 only)

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Art Unit:

Hand-delivered response should be brought to:

Crystal Park II, 2121 Crystal Drive

Arlington, VA. Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)306-0377.

D. Chow
AU. 2675
May 9, 2002



DENNIS-DGON CHOW
PRIMARY EXAMINER